IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.420 OF 2007

WITH

CIVIL APPLICATION NO. 588 OF 2007

WITH

CIVIL APPLICATION NO. 722 OF 2007

Sikandar Hiraji Ghankar .. Appellant

Versus

State of Maharashtra & ors. .. Respondent

Shri Ashok R. Pande for the Appellant

Smt. Geeta S. Mulekar AGP for the Respondent No.1

Shri Sunil Dubey i/b. Shashi K. Pandye for Respondent Nos.2 and 8.

CORAM : S.R. SATHE,J.

DATED : 3-9-2007.

P.C. :-

. Heard both the learned Advocates.

. Perused the papers.

. Having regard to the facts and circumstances and submissions made before me and in view of the admitted position that as on today the respondent is in possession, rightly or wrongly, and the fact that Notice of Motion is pending, it is desirable not to interfere with the order passed by the learned trial Judge on

14.5.07 at this stage. Instead, learned trial Judge is hereby directed to dispose of Notice of Motion on merits according to law within one week from the receipt of this order.

. All the questions involved in the matter are kept open and this Court has not expressed any opinion on the merits of the case.

. Liberty is granted to the Appellant-original Plaintiff to amend the pleadings as well as Notice of Motion. A.O. disposed of accordingly so also both the Civil Applications are dismissed.

. Parties to act on authenticated copy of this order.

(S.R. SATHE,J.)